REMARKS

In response to the Office Action mailed May 5, 2004, Applicants amend their application and request reconsideration. In this Amendment, claims 1-4 and 8-11 are cancelled and new claims 17-19 are added so that claims 5-7 and 12-19 are now pending.

In this Amendment three new independent claims are submitted, claims 17, 18, and 19. Claim 17 is a combination of parts of examined claims 1 and 4 and all of the limitations of examined claims 2 and 10. Since the Examiner indicated that claim 10 was allowable, it is believed that new claim 17 is allowable and does not need further discussion.

New independent claim 18 is composed of parts of examined claim 1 as well as all of examined claims 2, 4, and 8.

New claim 19 includes part of examined claim 1 and all of examined claims 2, 4, and 11. Claim 11 was likewise indicated to be allowable so that further discussion of claim 19 is unnecessary. Although there are some minor differences between claim 19 and the claims from which it was composed, claim 19 should be allowed.. Examined claims 12-16, all of which depend from new claim 19, were indicated to be allowable. Those claims are amended only to conform to the language of new claim 19 and they are not substantively changed. Thus, all claims in this group, including claims 12-16 and 19, should be allowed.

Examined claims 1-8 were rejected as anticipated by Cox (U.S. Patent 5,383,013). This rejection is respectfully traversed to the extent it applies to newly submitted claim 18. As noted, the rejection is not even potentially applicable to any other pending claim.

Cox is clearly related to the same technology as the invention. Examined claims 4-8 were rejected, as a group, with the assertion that the memory means and the clock control means of these claims were considered "inherent" in the workstation of Cox, with attention being directed to two passages in Cox, column 4, lines 8-21 and column 8, lines 20-27. As noted, claim 18 incorporates all of claims 4 and 8.

> "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' " *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted).
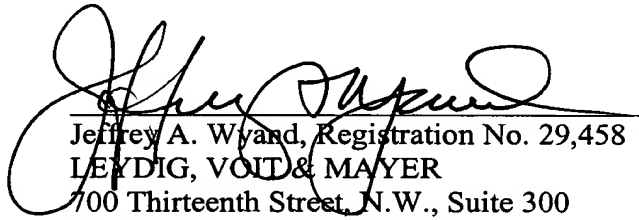
"In relying upon the theory of inherency, the examiner must
provide a basis in fact and/or technical reasoning to reasonably
support the determination that the allegedly inherent
characteristic <u>necessarily</u> flows from the teachings of the
applied prior art." *Ex parte Levy,* 17 USPQ2d 1461, 1464 (Bd.
Pat. App. & Inter. 1990) (emphasis in original).

Applicants do not assert that there are neither memories nor clock controls in the
workstation referred to in Cox. However, the cited passages of Cox only generally allude
to "a computer work station 23 that is appropriately programmed...". Even if it is
conceded that there must be at least two storage means in the workstation and even if Cox
describes determining a disparity, the initialization of the first and second storage means
upon the completion of processing of pixels in one scan line is not suggested or inherent
in disclosure within Cox. No extrinsic evidence has been provided to make clear what is
missing in Cox and declared inherent is necessarily present in Cox, much less recognized
by one of skill in the art. Further, no basis in fact to support the allegedly inherent
characteristic necessarily flows from Cox. Therefore, the rejection previously made with
respect to claims 4-8 is erroneous and cannot properly be applied to newly submitted
claim 18.

For the foregoing reasons, all claims now pending in the application should be
promptly allowed.

Respectfully submitted,

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